IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 17310 of 1996

Between:

1. Mr.N.Ramaswamy, c/o G.Narender, No.12, 1st Main Road,Shantinagar, Hyd-28.
2. V.Satyam, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
3. B.Ramakrishna, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
4. I.Venkataramana, c/o G.Narender, No.12,1st Main Road, Shantinagar, Hyd-28.
5. S.ganesh, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
6. G.Krishna, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
7. K.Babu Rao, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
8. V.Chitti Raju, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
9. R.Tata Rao, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
10. S.Satyam, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.
11. N.Konda Babu, c/o G.Narender, No.12, 1st Main Road, Shantinagar, Hyd-28.

12. V.Bulli Abbaya Reddy, c/o G.Narender, No.12, 1st Main

Road, Shantinagar, Hyd-28.

13 P.Kannam Naidu, c/o G.Narender, No.12, 1st Main

Road, Shantinagar, Hyd-28.

... PETITIONERS

AND

The Management of Kovur Co-operative Sugar Factory Ltd.,

Kovur, Nellore District.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, more particularly in the nature of writ of mandamus, or any other appropriate writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the cases, declaring that the petitioner are entitled to be continued in services pursuant to the settlement at Annexures 'A' & 'C' and consequently direct the respondent to continue to give effect to the settlements at Annexures 'A' & 'C' dt.23-7-1990 and 30-6-1995 respectively and render justice, including awarding costs of the petition.

Counsel for the Petitioners: MR.G.NARENDER REDDY

Counsel for the Respondent: MR.C.V.VINITHA REDDY

The Court made the following :

ORAL ORDER:

Aggrieved by the fact that they were not being reengaged and recalled in the off-season to attend overhauling works in the Kovur Co-operative Sugar Factory Limited, contrary to the memorandum of settlement dated 30.06.1995, the petitioners have lodged this writ petition for a declaration that they are entitled to be continued in service pursuant to the settlement supra, and for a direction to the respondent to continue to give effect to the settlements dated 23.07.1990 and 30.06.1995 respectively.

It requires to be noticed that the earlier settlement dated 23.07.1990 was reiterated by the latter settlement dated 30.06.1995, insofar as the petitioners' entitlement to be recalled during off-season periods, is concerned.

It would transpire that in these eight years since the institution of writ petition, the financial and administrative status of the respondent sugar factory has regressed from serious sickness to terminal illness and the respondent was to be sold to a private bidder. The learned counsel for the respective parties urged that the respondent is factually dysfunctional and is not operating the industry and that the sale has, however, not taken place, but is under process. This Court by an order dated 15.07.1997 in W.P.M.P.No.21305 of 1996, directed the respondent to take necessary action in accordance with the minutes of conciliation meeting on 23.07.1990, during the pendency of the writ petition. As the respondent sugar factory itself is closed, the petitioners are also not in service. In the circumstances and in view of the fact that for implementation of an award or a settlement or an interpretation of such an instrument, there is a plentitude of remedies available under the provisions of the Industrial Disputes Act, 1947, this Court does not propose to adjudicate upon the *lis* presented in this writ petition.

Writ petition is accordingly dismissed, with a liberty to the petitioners to work out their appropriate remedy under the provisions of Industrial Disputes Act, 1947. No costs.

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9th August, 2004

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To

1. The Management,

   Kovur Co-operative Sugar Factory Ltd.,

   Kovur, Nellore District.

2) Two CD copies.